

Attorney Docket No.: FLA-0010
Inventors: A. Fellingner
Serial No.: 09/308,408
Filing Date: June 28, 1999
Page 3

21 Storage device according to claim 19 wherein said base film is made of material selected from group of polyamide and polyethylene, and wherein said covering film consists of sterilization paper. --

REMARKS

Claims 16 and 17 are pending in the instant application. Claims 16 and 17 have been rejected. Claim 16 has been amended. New claims 18-21 have been added. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims under 35 U.S.C. §103(a)

Claims 16 and 17 have been rejected under 35 U.S.C. §103(a) as unpatentable over Zackheim (U.S. Patent 3,162,306) and Reid (U.S. Patent 4,574,954) in view of Moser et al. (U.S. Patent 3,941,248). Applicant respectfully traverses these rejections.

At the outset, it is respectfully pointed out that claim 16 has been amended as supported throughout the specification and particularly at page 4. Further claims 18-21 have been added to further clarify the invention, as supported throughout the specification and on pages 3 and 4.

Attorney Docket No.: **FLA-0010**
Inventors: **A. Fellingner**
Serial No.: **09/308,408**
Filing Date: **June 28, 1999**
Page 4

The Examiner suggests that Zackheim discloses most of the limitations of Applicant's claimed invention, except for the foil material. The Examiner further suggests that Moser et al. teaches a blisterpack with a foil base and a foil lid, and that it would have been obvious to combine the foil of Moser et al. with the teaching of Zackheim to arrive at the instant invention. Applicant respectfully disagrees.

In accordance with section 706.02 (j) of the M.P.E.P., to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach all or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not found in applicant's disclosure.

Applicant teaches an uncomplicated packaging capable of being opened with one hand, consisting of only two foil layers. Applicants invention does not need an opening aid.

Attorney Docket No.: FLA-0010
Inventors: A. Fellingner
Serial No.: 09/308,408
Filing Date: June 28, 1999
Page 5

Zackheim teaches a laminate consisting of a base layer, a pad building layer and a covering layer. The pad building layer is firmly bonded with both the base layer and the covering layer. Zackheim teaches rated break points as aids to opening the laminate containing the pads, which break points are necessary to detach the laminate piece surrounding the pad from the laminated package. Zackheim fails to teach the use of foil material, and fails to teach any chambers as taught in the present invention.

Moser et al. teaches a child-proof packaging for a firm, relatively unbending product. Moser et al. teaches that it is only possible to release the product if the chambers are severed from the entire package first and then a second step is required which uses opening aids which are arranged at the chambers to finally reach the product. Moser et al. teaches a cover foil which cannot be simply pressed in to reveal a product. Moser teaches a difficult to open foil package, which must be severed and must be peeled away, and which restricts the availability of a product, making it child-proof.

Moser et al. teachings are inapposite to Applicant's present invention. Accordingly, Zackheim and Moser et al. when combined fail to teach all or suggest all of the claim limitations. There is no teaching or suggestion that the opening aids could be

Attorney Docket No.: FLA-0010
Inventors: A. Fellingner
Serial No.: 09/308,408
Filing Date: June 28, 1999
Page 6

eliminated. In addition there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references to arrive at Applicant's invention.

The Examiner further suggests that Reid, when combined with Moser et al. make Applicants invention obvious. Applicant respectfully disagree.

Reid teaches a blister package for hard pills, formed by at least three layers. The middle layer forms bubble shaped chambers meant to hold the pills. To open the packaging and free the product, pressure must be exerted upon the bubble shaped chamber which transfers to the hard product and the hard product transmits the force to the base layer, causing the base layer to be broken and the pill to be released. This packaging would not be appropriate for a soft medical swab. This invention does not teach a packing foil that opens inward upon fingertip pressure. Reid fails to teach a foil material. Applicant's invention is broken by pressing on the covering foil which is only possible with swabs or similar soft products, which are not suited for pressure transmission opening such as taught by Reid.

As fully explained above, Moser et al. fails to teach a foil package that can be opened by exerting pressure on the covering

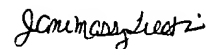
Attorney Docket No.: FLA-0010
Inventors: A. Fellingner
Serial No.: 09/308,408
Filing Date: June 28, 1999
Page 7

film. The foil taught by Moser is present only in a difficult to open, child proof package requiring opening aids. Accordingly, Reid and Moser et al. when combined fail to teach or suggest all of the claim limitations. In addition there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references to arrive at Applicant's invention.

II. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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